

STATE ALLOCATION BOARD  
IMPLEMENTATION COMMITTEE MEETING  
September 7<sup>th</sup> and 8<sup>th</sup>, 2006

CHARTER SCHOOL FACILITY PROGRAM  
REGULATION AMENDMENTS

PURPOSE OF REPORT

To present proposed School Facility Program (SFP) regulation changes to the Charter School Facilities Program (CSFP) due to the implementation of AB 127.

BACKGROUND

AB 127 makes changes to the CSFP should the voters approve an additional \$500 million as part of Proposition 1D which will be presented on the November 2006 ballot. In an effort to implement the changes required by the law, the Office of Public School Construction (OPSC) brought program changes before the Implementation Committee on July 7<sup>th</sup> and 21<sup>st</sup> and August 3<sup>rd</sup>, 4<sup>th</sup> and 18<sup>th</sup>. Based on the discussions and input at those meetings, changes were made to the existing CSFP in a manner that is consistent with the Statute and attempts to reflect the interests of all of the parties involved.

AUTHORITY

Article 12, Sections 17078.52 through 17078.66 of the Education Code (EC) establish and govern the CSFP within the SFP. AB 127 makes changes throughout various sections of this Article. The particular Sections are noted within the attached regulations.

EC 17070.35 directs the Board to establish procedures and policies necessary for the administration of the SFP.

STAFF COMMENTS

The OPSC presented the issues reflected in the attached proposed regulations to the Committee on several occasions to determine the best way to implement AB 127. The changes to the regulations are a result of the input provided at those meetings. The regulations will be presented to the SAB for approval and subsequently filed with the Office of Administrative Law on an emergency basis. Major changes to the CSFP are summarized as follows:

- *Eligibility Requirements and Adjustments*  
There is no longer a requirement that school districts demonstrate new construction eligibility for an application to be eligible. The District's new construction eligibility will only be adjusted by the number of district unhoused pupils the CSFP project will serve (as determined by the district).
- *Rehabilitation*  
AB 127 allows for funds to be used to rehabilitate existing district facilities. The regulations include an entirely new section devoted to eligibility and funding under the CSFP Rehabilitation program. Rehabilitation is funded on a square foot basis, not to exceed the new construction dollars otherwise attributable to the project. Facilities to be rehabilitated must be at least 15 years of age. SFP Modernization eligibility is not

required for a building to be rehabilitated, however modernization eligibility may be adjusted for buildings funded under this program to prevent the occurrence of double funding.

- *Consideration and Use of Existing Facilities*  
Prior to submitting an application under the CSFP, the school district and charter school must consider facilities under EC 47614, generally referred to as Proposition 39. Additional preference is assigned to those projects that propose to use existing facilities.
- *Removal of Funding, Site Acreage and Eligibility Caps*  
There are no longer total project caps, acreage caps or pupil caps per project. New construction projects are funded based on project capacity and other additional grants typically afforded a regular SFP new construction project. Rehabilitation projects are funded on a square foot basis with other additional grants typically afforded a modernization project.
- *Preference Points*  
An additional category has been added to give preference points to projects that propose to use existing facilities. The preference points assigned to the category of non-profit charter are increased from 20 to 40. The total number of preference points available is now 160.

## RECOMMENDATIONS

Accept the proposed regulation changes on the following attachments to be presented to the SAB.

## ATTACHMENT A

Title 2. Administration  
Division 2. Financial Operations  
Chapter 3. Department of General Services  
Subchapter 4. Office of Public School Construction  
Group 1. State Allocation Board  
Subgroup 5.5. Regulations Relating to the Leroy F. Greene School Facilities Act of 1998:  
(School Facility Program)

### Article 1. General Provisions and Definitions

#### Section 1859. Purpose.

These regulations implement the Leroy F. Greene School Facilities Act of 1998, which establishes a State program to provide State per pupil funding for new construction and modernization of existing school facilities.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.10 and 17070.35, Education Code.

#### Section 1859.1. General Services Director.

The General Services Director, or his or her legal designee shall perform all acts necessary to carry out the provisions of the Act except such functions as are reserved to the Board and to other agencies by law or by Sections 1859 through 1859.107 inclusive. The acts to be performed include, but are not limited to, entering into contracts to administer the Act.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17070.20, Education Code.

#### Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

...

"Charter School" shall mean a school established pursuant to Education Code, Title 2, Division 4, Part 26.8, Section 47600, et seq.

"Charter School Facility Account" means the fund for new construction Charter School projects authorized by Sections 100620(a)(1)(A) ~~and~~ 100820(a)(1)(A) ~~and~~ 101012(a)(2).

"Charter School Facility Program Rehabilitation" shall mean work that includes, but will not be limited to, structural changes or other types of work on an existing district facility that extends the useful life of or enhances the physical environment of the school, and as provided in Education Code Section 17078.58(a).

"Charter School General Location" shall mean a minimum of a one mile radius to a maximum of a three mile radius from the present or proposed location of the Charter School project as identified in the chartering agreement.

"Charter School Tri-Party Agreement" means a memorandum of understanding, a funding agreement and a use agreement as established by the California School Finance Authority (CSFA).

...

"Low-income" shall be the percentage of pupils deemed ~~to be~~ eligible for free/reduced lunch as identified in the most recent Free and Reduced Price Meals data on file at the CDE. The data on file with CDE shall be determined to be

the information collected in the month of October, and any errors and omissions amendments to that information for that time period that have been received and approved by the CDE.

...

"Rural Area" shall be a school with a locale code of ~~six, seven or eight~~ 41, 42 or 43 as classified by the National Center for Education Statistics (NCES).

...

"Suburban Area" shall be a school with a locale code of either ~~two, three, four, or five~~ 21, 22, 23, 31, 32 or 33 as classified by the NCES.

...

"Unrestricted Charter School Fund" means the funds in the ~~2002 (or 2004, as appropriate)~~ Charter School Facility Account not approved for a Preliminary Charter School Apportionment(s).

...

"Urban Area" shall be as a school with a locale code of ~~one~~ 11, 12 or 13 as classified by the NCES.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17280, and 56026, Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

#### Article 6. New Construction Eligibility Determination

...

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03, will be adjusted as follows:

(a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.140 ~~162.2~~.

...

#### Article 7. Modernization Eligibility Determination

Section 1859.60. Calculation to Determine Modernization Baseline Eligibility.

The district shall calculate its modernization eligibility for each school site with the completion of the Form SAB 50-03. The eligibility determination may be made by either identifying all classrooms on the site pursuant to (a) or by the identification of all square footage on the site pursuant to (b), as follows:

- (a) Identify all classrooms at the school site that would have been included in the Gross Classroom Inventory pursuant to Section 1859.31 that are:
  - (1) Permanent and at least 25 years old.
  - (2) Portable and at least 20 years old.
  - (3) The remaining classrooms not reported in (1) or (2) above.
- (b) Identify all square footage at the school site that is:
  - (1) Permanent area and at least 25 years old.
  - (2) Portable classroom area and at least 20 years old.
  - (3) The remaining square footage on the site not reported in (1) or (2) above.

The age of the classroom or square footage shall begin 12 months after the plans for the building were approved by the DSA; or in the case of permanent or portable classrooms that were previously modernized or rehabilitated with State funds, the 25/20 year period shall begin on the date of its previous modernization or rehabilitation apportionment. For purposes of identifying square footage at a school site, include the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

Enrollment at the school shall be the latest CBEDS report for K-6, 7-8 and 9-12 pupils. If the school is closed at the time of application for eligibility determination for modernization, and the district intends to reopen it and use it as a school for at least the next five years, the enrollment may be estimated based on district demographic data. The calculated eligibility determined on the Form SAB 50-03, shall be referred to as the modernization baseline eligibility for the specific school site.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17073.15, 17073.20 and 17074.10, Education Code.

#### Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a modernization SFP project or a CSFP Rehabilitation project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.
- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Adjusted as a result of the Reconfiguration of an existing high school under the provisions of the Small High School Program.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10 and 17074.32, Education Code.

### Article 14. Charter School Facilities Program

#### Section 1859.160. General.

A Charter School seeking a Preliminary Charter School Apportionment pursuant to the provisions of Education Code Sections 17078.50 through 17078.66 for new construction or rehabilitation shall complete and file a Form SAB 50-09. In addition the charter school must provide all required documents necessary for a financial soundness determination.

Once the Board has approved a Preliminary Charter School Apportionment for a Preliminary Charter School Application submitted pursuant to this Section after July 2, 2003, a Charter School seeking an advance release of funds for site acquisition pursuant to Section 1859.164.2(b), shall be required to submit an additional Form SAB 50-09, to the OPSC, to determine eligible site acquisition costs. A Charter School seeking an advance release of funds for design, engineering, and other pre-construction project costs pursuant to Section 1859.164.2(a), shall not be required to submit an additional Preliminary Charter School Application.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.52 and 17078.53, Education Code.

#### Section 1859.161. Preliminary Charter School Application Submittals.

A Charter School seeking a Preliminary Charter School Apportionment shall complete and submit Form SAB 50-09 between February 2003 and March 31, 2003, or during a period of 120 calendar days beginning ~~30~~ 90 calendar days after an election authorizing additional funding.

The Board may establish additional application filing periods as needed.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.53, Education Code.

Section 1859.162. General Preliminary Charter School Apportionment Eligibility Criteria.

A Charter School may apply for a Preliminary Charter School Apportionment by submittal of Form SAB 50-09 if all of the following requirements are met:

- ~~(a) the district in which the Charter School is physically located has SFP new construction eligibility pursuant to Education Code Section 17071.75 and Section 1859.50 at the grade level(s) being proposed in the Preliminary Charter School Application; and,~~
- ~~(b)(a) Prior to submission of the Preliminary Charter School Application the requirements of EC Sections 17078.53(d)(c) and (e) are met.~~
- ~~(c) the pupil grants requested on the Form SAB 50-09 do not exceed the lesser of the district's available new construction eligibility or the following:~~

Grade Level	Pupil Grant Request Description	Pupil Grant Limit
Elementary	K-6 or any combination thereof	350
Middle	7-8, K-8 inclusive, or any combination of 7-12 non-inclusive	450
High	9-12 or K-12, 7-12 inclusive	600

~~For purposes of this pupil grant limiter, Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupils will be counted towards the pupil grant limit established for the project.~~

- (b) Prior to submission of the Preliminary Charter School Application, a Charter School applying on its own behalf must notify the school district where the project will be physically located of its intent to apply. This notification must occur at least 30 days prior to the application submittal. As part of the Preliminary Charter School Application, the Charter School must submit evidence of the date the notification was received by the school district.
- (c) The Preliminary Charter School Application shall include a description of the proposed project including, but not limited to, the identification of the number of classrooms, the grade level of the pupils to be served, the intended opening date of the project, the Charter School General Location, and whether the project will be permanent or portable construction.

If a charter school project has already received a Preliminary Charter School Apportionment under the CSFP but would like to re-apply under a future funding cycle, the original Preliminary Charter School Apportionment must be withdrawn by the charter school and rescinded by the Board prior to the submittal of any subsequent application.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17071.75, 17078.52 and 17078.53, Education Code.

Section 1859.162.1. Preliminary Charter School New Construction Apportionment Eligibility Criteria.

For Charter Schools applying on their own behalf, the notification to the school district of the Charter School's intent to apply pursuant to Section 1859.162(c) must include the following:

- (a) A request for the school district to provide a certification to the number of the district's unhoused pupils, pursuant to Section 1859.50, that the project will serve. The certification, in the form of a board resolution, must be signed by a school board member. Prior to submitting the certification as part of the Preliminary Charter School Application, the school board must have discussed the issue as an action item at a regularly scheduled, publicly held board meeting. The board resolution and supporting documentation must be submitted to the OPSC within 90 days from the date the Charter School notified the school district of its intent to apply to the CSFP.
- (b) A request that the school district update its current year enrollment on file with the OPSC pursuant to regulation section 1859.51(e).

#### Section 1859.162.2. Preliminary Apportionment Eligibility Adjustments for New Construction Projects.

The baseline eligibility for new construction determined by the Form SAB 50-03 of the appropriate school district where the project will be physically located will be decreased based upon the number of unhoused pupils, pursuant to Section 1859.50, the CSFP project will serve as determined by either of the following:

- (a) For a Charter School applying on its own behalf, the number of unhoused pupils the project will serve will be determined and certified to by the school district in which the project will be physically located.
- (b) For school districts applying on behalf of a Charter School, the school district must indicate the number of unhoused pupils the project will serve. The supporting documentation for arriving at this number must be submitted to the OPSC as part of the Preliminary Charter School Application.

#### Section 1859.162.43. Overlapping District Boundaries.

If the Charter School provides or will provide instruction for a combination of grade levels and therefore is or will be located in more than one school district's boundaries (e.g. elementary and high school district, not unified), a separate Form SAB 50-09 ~~requesting pupil grant eligibility~~ indicating the number of unhoused pupils served from each district, as appropriate will be required. Sections 1859.162.1 and 1859.162.2 shall apply to all districts involved in the Preliminary Charter School Apportionment. For the purposes of receiving a Preliminary Charter School Apportionment pursuant to Section 1859.163, the applications will be combined into one to be funded concurrently.

In addition, if the project will be located in an area of overlapping district boundaries but proposes to house only the grade levels served by just one of the districts, the district that serves the same grade levels will be subject to the district related requirements of this article (including, but not limited to holding title to the project, generating overcrowding percentages for preference points and signing the Tri-party Agreement).

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.53 and 17078.54, Education Code.

#### Section 1859.163. Approval of Applications for Preliminary Charter School Apportionments.

Prior to approving a Preliminary Charter School Apportionment, the Board will require a certification from the Authority that the Charter School is Financially Sound. In providing a Preliminary Charter School Apportionment, the Board shall use the funding criteria established in Section 1859.164. The apportionment provided by the Board may be 100 percent of the total project cost dependent upon the method of Charter School's contribution as determined by the Authority.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.52 and 17078.53, Education Code.

#### Section 1859.163.1. Preliminary Charter School New Construction Apportionment Determination.

The Preliminary Charter School New Construction Apportionment shall be separated into two categories, items that may be identified as construction costs versus site acquisition costs.

- (a) The Preliminary Charter School New Construction Apportionment for construction costs shall be equal to the ~~lesser of the sum of (1) through (8)~~ (9) below ~~or the amounts in the following chart:~~

Project Grade Level	Charter School Construction Cost Funding Cap	
	Non-Urban Ineligible for (a)(5) below	Urban Eligible for (a)(5) below
Elementary	\$5 million	\$6.6 million
Middle	\$7 million	\$9 million
High	\$10 million	\$12.9 million

The funding cap for a project containing a combination of grade levels shall be determined based on the pupil cap assigned pursuant to Section 1859.162.

- (1) The amounts shown below for each pupil, based on the project capacity, included in a Preliminary Charter School Application:

- (A) ~~\$5,870~~ 5,227 for each elementary school pupil.
  - (B) ~~\$6,214~~ 5,534 for each middle school pupil.
  - (C) ~~\$8,116~~ 7,226 for each high school pupil.
  - (D) ~~\$18,703~~ 16,653 for each pupil that is a Severely Disabled Individual with Exceptional Needs.
  - (E) ~~\$12,509~~ 11,137 for each pupil that is a Non-Severely Disabled Individual with Exceptional Needs.
- (2) An amount equal to 12 percent of the amount determined in (1) for multilevel construction, if requested by the Charter School.
- (3) An amount for site development cost determined, at the option of the Charter School, by one of the following:
- (A) One-half of the Site Development Cost for the specific site as authorized by Section 1859.76.
  - (B) One-half of the Site Development Cost as authorized by Section 1859.76 using historical information in the Charter School General Location. Historical information that may be considered to determine this estimated cost may include prior SFP projects of the district or other districts in the Charter School General Location.
  - (C) \$70,000 multiplied by the proposed acres requested on the Form SAB 50-09.
  - (4) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to 1859.83(b)(1) or (b)(2), as appropriate.
  - (5) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (1) and (4), plus 1.166 percent for each percentage decrease in the CDE recommended site size below 60 percent when the following criteria are met:
    - (A) The Charter School has requested an increase for multilevel construction pursuant to (2) above.
    - (B) The Useable Acres of the existing and/or proposed site are 60 percent or less of the CDE recommended site size ~~for a traditional school determined by multiplying the sum of the pupil grants requested on Form SAB 50-09, and the current CBEDS enrollment on the site (if applicable) by .01775 for elementary school pupils, .021 for middle school pupils and .02472 for high school pupils. For purposes of this calculation, assign~~ ~~Severely Disabled Individuals with Exceptional Needs and Non-Severely Disabled Individuals with Exceptional Needs pupil grants requested on Form SAB 50-09, as either elementary, middle or high school pupils based on the type of project selected by the district on Form SAB 50-09.~~
  - (C) The value of the property as determined in Section 1859.163.2(a) is at least \$750,000 per Useable Acre. This criterion does not apply to an application for an addition to an existing school site.
  - (6) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (1), (2), (3)(C), (4) and (5) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
  - (7) For all Preliminary Apportionments received after March 7, 2007, an amount equal to the sum of the amounts determined in (1) through (6) multiplied by a factor determined as follows:



(A) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Apportionment. Round to four decimal places.

(B) Subtract 1 from the quotient in (1). Round to two decimal places.

~~(7)~~ (8) An amount to initiate and enforce a LCP as prescribed in Section 1859.71.4, if required by the Labor Code.

~~(8)~~ (9) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to the items in (1) through ~~(6)~~ (8) above.

(b) The Preliminary Charter School Apportionment for site acquisition costs shall be:

(1) Equal to one-half of the site acquisition value determined in Section 1859.163.2(a) and (c).

(2) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to (1) above.

(c) The total amount calculated in (a) above will be added to any amount calculated in (b) above, which will provide the Preliminary Charter School Apportionment amount.

The amounts shown in (a) shall be adjusted annually in the manner prescribed in Section 1859.71.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.52 and 17078.56, Education Code.

#### Section 1859.163.2. Preliminary Charter School Apportionment Site Acquisition Value.

If the Preliminary Charter School Application includes a request for site acquisition funding, the preliminary value of the proposed site shall be the sum of the following:

(a) The value of the property determined by one of the following:

(1) By an appraisal or a preliminary appraisal of the property made no more than six months prior to the date the Preliminary Charter School Application was submitted to the OPSC, using the guidelines outlined in Section 1859.74.1. The preliminary appraisal may be made without access to the property.

(2) The Median Cost of an acre of land in the Charter School General Location using historical information in the Charter School General Location multiplied by the number of proposed Useable Acres requested on Form SAB 50-09. Historical information that may be considered to determine land cost shall include prior real-estate sales consummated and documented by the county recorder or pending real-estate sales documented by a title insurance company's escrow instructions. For purposes of historical information include all real-estate sales consummated and documented by the county recorder for a minimum of six months and a maximum of up to two years prior to the date the Preliminary Charter School Application was submitted to the OPSC.

(b) An amount for the estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA as determined by one of the following:

(1) 15 percent of the value determined in (a).

(2) The sum of the following:

(A) The approved relocation expenses for the specific site to be acquired that conform to Title 25, California Code of Regulations, Section 6000, et. seq.

(B) The DTSC cost for review, approval, and oversight of the POESA and the PEA for the specific site to be acquired.

(3) The estimated relocation cost and the estimated DTSC costs for review, approval and oversight of the POESA and the PEA using historical information in the Charter School General Location. Historical information that may be considered to determine these estimated costs may include prior real-estate acquisitions of the district or other districts in the Charter School General Location.

(c) Four percent of the amount determined in (a), but not less than \$50,000. This amount shall provide an allowance of any appraisal, escrow, survey, site testing, CDE review/approvals and preparation of the POESA and the PEA.

(d) For allowable costs of hazardous material/waste removal and remediation costs, up to one-half times the value of the property determined in either (a)(1) or (a)(2) above.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.52 and 17078.56, Education Code.

### Section 1859.163.3. Establishment of Funds for Relocation/DTSC Fee and Hazardous Material/Waste Removal.

For Preliminary Charter School Apportionments awarded on February 23, 2005, the Board shall establish two separate funds from the funding provided through the 2004 Bond for the site acquisition values calculated pursuant to costs provided in Section 1859.163.2(b) and (d) that will not be part of the Preliminary Charter School Apportionment determined in Section 1859.163.1. The amount to reserve for the funds will be determined as follows:

#### Relocation/DTSC Fee Fund

- (a) For all projects requesting an additional grant for relocation and DTSC costs on the Form SAB 50-09 pursuant to Section 1859.163.2(b), the value of each property as determined in Section 1859.163.2(a) will be added. The sum would then be multiplied by 15 percent. The product would provide the dollar value to be reserved, but shall not be less than \$2.75 million.

#### Hazardous Material/Waste Removal Fund

- (b) For all projects requesting an additional grant for hazardous material/waste removal and remediation costs provided pursuant to Section 1859.163.2(d), the value of each property as determined in Section 1859.163.2(a) will be added. The sum would then be multiplied by 10 percent. The product would provide the dollar value to be reserved, but shall not be less than \$2.5 million.

Any Charter School that received a Preliminary Charter School Apportionment on February 23, 2005 that is requesting a Final Charter School Apportionment may request the funding provided in (a) and/or (b) above when the Form SAB 50-04 is submitted. At the time of Final Charter School Apportionment, should insufficient funds remain in either the Relocation/DTSC Fee Fund or Hazardous Material/Waste Removal Fund to fully apportion those site acquisition costs, any amount not apportioned by the Board for relocation, DTSC fees, or hazardous material waste removal or remediation shall be placed on an Unfunded List in Board date approval order. Any funds returned to Unrestricted Charter School Fund in the appropriate Charter School Facility Account pursuant to Section 1859.167(b) shall be used by the Board to fund projects remaining on the Unfunded List.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.56, Education Code.

### Section 1859.163.4 Preliminary Charter School Rehabilitation Apportionment Eligibility Criteria.

A Charter School or School District may apply for a Preliminary Charter School Rehabilitation Apportionment by submittal of Form SAB 50-09 if all of the following requirements are met:

- (a) The application includes existing school buildings made available by a school district; and,
- (b) The application includes classrooms that are at least 15 years of age at the time of submittal; and,
- (c) The facilities included in the application were not previously built or modernized with SFP funds; and,
- (d) For a Charter School applying on its own behalf, the application must include an agreement between the school district and the charter school for the use of the facilities to be rehabilitated. The agreement must have been approved prior to submittal of application and must have been discussed and approved at the school district board meeting.

The age of the facilities shall begin 12 months after the plans for the building were approved by the DSA; or in the case of facilities that were previously modernized under the LPP, the 15 year old period shall begin on the date of its previous modernization apportionment.

### Section 1859.163.5 Preliminary Charter School Rehabilitation Apportionment Determination.

The Preliminary Charter School Rehabilitation Apportionment will be determined based on the eligible square footage included in the project. For purposes of the Preliminary Charter School Rehabilitation Apportionment, eligible square footage is defined as the total enclosed exterior square footage of the school buildings. For multilevel buildings, include the square footage at each level.

The amount of funding for each Preliminary Charter School Rehabilitation Apportionment will be equal to the sum of the amounts determined in (a) through (g) below:

- (a) The lesser of the amount determined in (1) or (2) below:
- (1) The dollar value calculated using a per square foot amount and the total eligible square footage for the site as follows:
  - (A) Determine the total square footage for each classroom included in the project (limited by the Charter School's projected enrollment).
  - (B) Determine the total square footage for any multi-purpose room included in the project.
  - (C) Determine the total square footage for any gymnasium included in the project.
  - (D) Determine the total square footage for any library included in the project.
  - (E) Determine the total square footage for any administration building included in the project.
  - (F) Add the total square footage in (A) through (E) above to obtain the total square footage for the project.
  - (G) From the total determined in (F), determine the total square footage for toilet facilities and the total square footage for other facilities. Multiply the toilet facilities square footage by \$173.30 and the other facilities square footage by \$96.30. The sum of these figures is the square footage dollar value for the project.
- (2) The dollar value calculated using the new construction grant amount and the project capacity based on the State loading standards as follows:
  - (A) Determine the proposed grade level usage of each classroom in the project (limited by the Charter School's projected enrollment).
  - (B) Multiply the number of classrooms at the K-6 grade level by 25, the number of classrooms at the 7-12 grade level by 27, the number of non-severe classrooms by 13, and the number of severe classrooms by 9.
  - (C) Multiply the number of pupils calculated pursuant to (B) by the appropriate dollar value determined in Section 1859.163(a)(1).
  - (b) If the Preliminary Application request is for a small project that will house no more than 200 pupils, an amount pursuant to 1859.83(b)(1) or (b)(2), as appropriate.
  - (c) An amount due to urban location, security requirements and impacted site equal to 15 percent of the amount determined in (a) and (b), plus for a project with a site that is 60 percent or less of the CDE recommended site size plus 0.333 percent for each percentage decrease in the CDE recommended site size below 60 percent.
  - (d) An amount for the geographic location of the proposed project equal to the sum of the amounts determined in (a), (b), and (c) multiplied by the indicated percentage factor in the Geographic Percentage Chart shown in Section 1859.83(a).
  - (e) \$60,000 for each new two-stop elevator required to be included in the project by the DSA, and \$10,800 for each additional stop.
  - (f) For all Preliminary Apportionments received after March 7, 2007, an amount equal to the sum of the amounts determined in (a) through (d) multiplied by a factor determined as follows:
    - (1) Divide the January Class B Construction Cost Index in effect at the time of the Preliminary Apportionment by the January Class B Construction Cost Index in effect four years prior to the Preliminary Apportionment. Round to four decimal places.
    - (2) Subtract 1 from the quotient in (1). Round to two decimal places.
  - (g) An amount to initiate and enforce a LCP as prescribed in Section 1859.71.4, if required by the Labor Code.
  - (h) If the Charter School is paying its matching share through the form of lease payments, pursuant to Section 1859.168, the value of the lease as determined by the Authority attributable to the items in (a) through (g) above.

The amounts determined in (a) shall be adjusted annually in the manner prescribed in Section 1859.71.

Section 1859.163.6 Preliminary Charter School Rehabilitation Apportionment Eligibility for Sites Previously Funded Under the SFP Modernization Program.

For school sites that have established eligibility and received funding for all or some of the eligible buildings, but have not exhausted all of the eligibility, the site may be eligible for CSFP rehabilitation funds, subject to Board approval. However, the rehabilitation apportionment will be offset by the previous amount of modernization funding received for the building(s) to be rehabilitated at the time of the final apportionment.

Section 1859.163.7 Eligible Use of Charter School Facilities Program Rehabilitation Funds.

Funds Apportioned under the Charter School Facilities Program for Rehabilitation projects are to be used for work consistent with the definition of Charter School Facility Program Rehabilitation. If the rehabilitation project includes reconfiguration of an existing building and the project decreases the district's capacity at the site or displaces a minimum essential facility, the original capacity and minimum essential facility will still be considered to be in existence. Furthermore, State funding may not be used to replace the capacity or the original minimum essential facility in the future.

Section 1859.164. Application Funding Criteria.

If the estimated total apportionments of all Financially Sound Preliminary Charter School Applications received in either filing period specified in Section 1859.161 exceed the funds available, the applications shall be identified in each of the following four categories:

- (a) Geographical Region One, Two, Three, or Four.
- (b) Urban, Rural, or Suburban areas.
- (c) Large, Medium, or Small Charter Schools.
- (d) K-6, 7-8, or 9-12 grade levels.

The Board shall first apportion one project of each possible type, a maximum of four in category (a) and a maximum of three in categories (b) through (d), starting with (a) and continuing through (d). If more than one application is received of the same type within a category, the Board will apportion based on which project has the highest preference points, calculated in Section 1859.164.1. If a project has the highest preference points but was previously apportioned, the project with the next highest preference points will be apportioned. The same process will continue for the remaining categories until the Board has apportioned a project within each type in categories (a) through (d), or until no funding remains. If after funding one project in each category (a) through (d), funding remains available, the process shall be repeated until no funding remains.

All funds approved as a Preliminary Charter School Apportionment shall be transferred to the Restricted Charter School Fund within the appropriate Charter School Facility Account. Any funds not approved as a Preliminary Charter School Apportionment shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account.

All Preliminary Charter School Applications received from ~~an~~ a Charter School will be processed in the date order received by the OPSC. If more than one Preliminary Charter School Application is received on the same day from the same entity for a Charter School project located within the geographical jurisdiction of same district, those applications will be processed by the OPSC based on the priority order assigned to those applications by the Charter School on Form SAB 50-09.

If two or more Preliminary Charter School Applications have the same preference points, the Board shall first apportion that Preliminary Charter School Application that was received first by the OPSC. In the event that the applications were received on the same day, applications will be funded in the following order:

- (a) Projects submitted by entities that have not previously received funding under the SFP, the CSFP or the State Charter School Facilities Grants Incentives Program will be funded before those that have received said funding;
- (b) Projects proposing to utilize existing facilities will be funded before projects that propose to build new facilities;
- (c) As applicable, projects that provide more seats to relieve overcrowding will be funded over those that provide fewer seats (as determined by dividing the number of unhoused pupils pursuant to Section 1859.50 that the project will house by the remaining new construction eligibility in the district);

In the event that a tie remains after the previous criteria have been applied, a lottery system will be used to select the project that is funded.

Any applications the SAB is unable to provide a Preliminary Charter School Apportionment to will be returned to the Charter School.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.56, Education Code.

#### Section 1859.164.1. Calculation of Preference Points.

Preference points will be calculated for all Preliminary Charter School Applications. An application shall receive preference points based on the total of (a), (b), (c) and ~~(e)~~ (d), up to a maximum of ~~100~~ 160 points, as follows:

- (a) Low Income: Up to 40 points based on the percentage of pupils at either the Charter School or school district where the Charter School is or will be located, or any public school within Charter School General Location meeting the definition of Low-income. The Charter School may report the highest percentage of the ~~two~~ three. Use the following sliding scale to determine the number of preference points:

Percentage Receiving Free/Reduced Lunch	Preference Points Assigned
5-15%	4
16-30%	8
31-39%	12
40-47%	16
48-55%	20
56-64%	24
65-73%	28
74-82%	32
83-92%	36
93%	36.5
94%	37
95%	37.5
96%	38
97%	38.5
98%	39
99%	39.5
100%	40

- (b) Overcrowded School District: Up to 40 points if the school district where the Charter School is physically located is determined to be overcrowded by dividing the remaining New Construction Eligibility (prior to the reduction

from this application) by the district's current enrollment (~~round up~~) and multiplying the product by 100. ~~Use the~~  
The following sliding scale to determine the maximum number of preference points available for the degree of overcrowding:

Percentage Overcrowded	Preference Points Assigned
2-9%	4
10-13%	8
14-16%	12
17-19%	16
20-22%	20
23-25%	24
26-33%	28
34-41%	32
42-49%	36
50% and above	40

The method of allocating preference points to applicants will utilize the percentage overcrowded chart for a maximum point distribution. Next, each application will be assigned an "effort" percentage which further allocates points within each overcrowding point category. The percentage generated by the number of unhoused pupils that the project will house, divided by the project capacity will represent the effort made to relieve overcrowding in the district. The "effort" percentage will be assigned the following point distribution:

% Effort to Relieve Overcrowding	Ratio of Overcrowded Points Awarded
40% or more	100% of the points for the overcrowded category
30-39%	80% of the points for the overcrowded category
20-29%	60% of the points for the overcrowded category
10-19%	40% of the points for the overcrowded category
1-9%	20% of the points for the overcrowded category
0	No points for the overcrowded category

The total points assigned for overcrowding will be calculated by applying appropriate "effort" percentage and its corresponding ratio of points to the percentage overcrowded category for the district in which the project will be physically located.

- (c) Non-Profit Entity: If the entity operating the Charter School meets the definition of a Non-Profit Entity, the project will receive ~~20~~ 40 preference points.
- (d) Existing Facilities: If the project proposes to rehabilitate existing facilities, the project will receive 40 preference points.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.56, Education Code.

#### Section 1859.164.2. Preliminary Charter School Apportionment Fund Release.

A Charter School receiving a Preliminary Charter School Apportionment from the Board after July 2, 2003 may request an advance release of funds for either of the following:

- (a) A separate advance release of funds for design equal to 20 percent of the amount determined in Section 1859.163.1(a)(1) through (7).
- (b) A separate advance release of funds for site acquisition once the requirements in Section 1859.81.1(a)(2) and (3) are met for an amount not to exceed the Preliminary Charter School Apportionment for site acquisition. The Board shall release to the Charter School an amount up to the Preliminary Charter School Apportionment determined in Section 1859.163.1(b).

Qualified Charter Schools may request a separate advance release of funds for the design and for the site acquisition for the same project. A Charter School seeking an advance release of funds pursuant to (a) and/or (b) must have been deemed and maintained financial soundness status from the Authority. The OPSC will release State funds included in a Preliminary Charter School Apportionment pursuant to (a) or (b) to the Charter School after submittal of the Form SAB 50-05. The OPSC shall not release funds in excess of the Preliminary Charter School Apportionment. State funds released from a Preliminary Charter School Apportionment pursuant to this Section shall be subject to the provisions in Section 1859.166. Once the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment pursuant to Section 1859.167, the Charter School may request a release of the remaining funds as prescribed in Section 1859.90. Prior to the release of any funds, the Tri-party Agreements must be executed.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.53, Education Code.

#### Section 1859.165. Conversion of Preliminary Charter School Apportionment.

When a Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, all the following criteria must be met:

- (a) The Final Charter School Apportionment request must meet all criteria on the Form SAB 50-04 for a New Construction Adjusted Grant pursuant to Section 1859.21.
- (b) A Charter School seeking to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment shall complete and file Form SAB 50-04. The number of pupils being requested cannot exceed the amount the Charter School originally requested and received at the Preliminary Charter School Apportionment.

If the Charter School is unable to meet the criteria in this Section, the Preliminary Charter School Apportionment shall be rescinded pursuant to the provisions of Section 1859.166.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.52, Education Code.

#### Section 1859.166. Time Limit on Preliminary Charter School Apportionment.

- (a) A complete request to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment pursuant to Section 1859.165 shall be made within four years of the date of the Preliminary Charter School Apportionment unless the Charter School received approval of an extension pursuant to Section 1859.166.1.
- (b) If (a) is not met, and the Charter School has not received an advance release of funds as provided in Section 1859.164.2, the following will occur:
  - (1) the Preliminary Charter School Apportionment shall be rescinded and any remaining Preliminary Charter School Apportionment, not released to the Charter School, shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account, and;
  - (2) the SFP New Construction Eligibility will be increased for the pupils assigned to the Preliminary Charter School Application for the school district that physically contains the Charter School within its geographical boundaries.
- (c) If (a) is not met, and the Charter School has received an advance release of funds as provided in Section 1859.164.2, the following will occur:
  - (1) The Preliminary Charter School Apportionment shall be rescinded and any remaining Preliminary Charter School Apportionment, not released to the Charter School, shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account, and;

- (2) Funds released pursuant to Section 1859.164.2(a) shall be reduced to cost incurred and closed-out pursuant to Section 1859.106 with a corresponding SFP new construction baseline eligibility adjustment for the pupils assigned to the Preliminary Charter School Application. The adjustment to the baseline eligibility shall be based on the ratio of the number of unhoused pupils pursuant to Section 1859.162.2 and the project capacity which generated the project funding to the eligible expenditures. Any funds released are subject to the fifty percent local matching share requirement as required by EC 17078.54(d). Funds returned pursuant to Section 1859.106 shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account, and;
- (3) Funds released pursuant to Section 1859.164.2(b) shall be subject to the provisions of Section 1859.171.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.52 and 17078.53, Education Code.

#### Section 1859.166.1. Preliminary Charter School Apportionment Time Limit Extension.

A Charter School that has received a Preliminary Charter School Apportionment may request a single one-year extension of the time limit prescribed in Section 1859.166(a). The Board shall approve the request provided the criteria in (a) or (b) are met:

- (a) The Charter School has provided evidence of both of the following:
  - (1) The CDE has made a contingent or final approval of the proposed site; and,
  - (2) The DSA has confirmed that the final plans for the project have been submitted to the DSA for review and approval.
- (b) Other evidence satisfactory to the Board justifying the extension.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.52, Education Code.

#### Section 1859.167. Final Charter School Apportionment.

- (a) ~~For Charter School Preliminary Apportionments provided by the Board on July 2, 2003, With the exception of Charter School Preliminary Apportionments provided by the Board on February 23, 2005,~~ the amount of the Final Charter School Apportionment will be based on the provisions of any amended or new regulations that are effective at the time the Form SAB 50-04, for the Final Charter School Apportionment is submitted and accepted for processing by the OPSC. Prior to the Board providing a Final Charter School Apportionment, the Charter School will need to have a current Financial Soundness certification from the Authority. The Board shall convert the amounts determined below from the Preliminary Charter School Apportionment to the Final Charter School Apportionment:
  - (1) If the Final Charter School Apportionment request is equal to or less than the Preliminary Charter School Apportionment, the Final Charter School Apportionment shall be funded entirely. The difference in the Final Charter School Apportionment and the Preliminary Charter School Apportionment shall be transferred to the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account. The Final Charter School Apportionment shall become the full and final apportionment for the project.
  - (2) If the Final Charter School Apportionment request is greater than the Preliminary Charter School Apportionment, the Board shall convert the Preliminary Charter School Apportionment to a Final Charter School Apportionment by either of the following:
    - (A) If the balance in the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account is greater than the difference in the Final Charter School Apportionment and the Preliminary Charter School Apportionment, fund the Final Charter School Apportionment entirely. The Final Charter School Apportionment shall become the full and final apportionment for the project.
    - (B) If the balance in the Unrestricted Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account is less than the difference in the Final Charter School Apportionment and the Preliminary Charter School Apportionment, fund the Final Charter School Apportionment using any remaining balance in the Unrestricted



Charter School Fund in the ~~2002~~ appropriate Charter School Facility Account. The Final Charter School Apportionment shall become the full and final apportionment for the project.

- (b) For Preliminary Charter School Apportionments provided by the Board ~~after July 2, 2003~~ on February 23, 2005:
- (1) the Final Charter School Apportionment will be subject to the provisions of any amended or new regulations that are effective at the time the Form SAB 50-04 is submitted and accepted for processing by the OPSC for the Final Charter School Apportionment; and,
  - (2) the per-pupil grant amounts shall not exceed the amount allotted in 1859.163.1(a)(1); and,
  - (3) if the Preliminary Charter School Apportionment was based on the Charter School being eligible for the additional grant in Section 1859.163.1(a)(5) and at the time the Final Charter School Apportionment is provided the Charter School does not meet the requirements to receive that adjustment pursuant to Section 1859.83(d), the Charter School construction cost funding cap will be re-established based on the non-urban project amount, pursuant to Section 1859.163.1(a); and,
  - (4) the Final Charter School Apportionment shall not contain additional grants beyond that which the Charter School may have requested at the time of the Preliminary Charter School Application; and,
  - (5) prior to the Board providing a Final Charter School Apportionment the Charter School will need to have a current Financial Soundness certification from the Authority; and,
  - (6) The amount of the Final Charter School Apportionment shall not exceed the Preliminary Charter School Apportionment determined in Section 1859.163.1, and the Board shall convert the amounts determined below from the Preliminary Charter School Apportionment to the Final Charter School Apportionment:
    - (A) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(a) is greater than the Final Charter School Apportionment request for the items identified as construction costs then the difference shall be transferred to the Unrestricted Charter School Fund in the appropriate Charter School Facility Account. The Final Charter School Apportionment shall become the full and final apportionment for the project.
    - (B) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(b) is greater than the Final Charter School Apportionment request for the site acquisition cost items then the difference shall be transferred to the Unrestricted Charter School Fund within the appropriate Charter School Facility Account. If the project is eligible for an additional grant for relocation expenses, DTSC fees, or hazardous waste removal pursuant to Sections 1859.74 or 1859.74.2, the Preliminary Charter School Apportionment may be increased accordingly using the funding set aside in Section 1859.163.3. The Final Charter School Apportionment shall become the full and final apportionment for the project.
    - (C) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(a) is less than the Final Charter School Apportionment request for the items identified as construction costs, the amount of funding provided at the Preliminary Charter School Apportionment shall become the full and final apportionment for the project.
    - (D) If the portion of the Preliminary Charter School Apportionment calculated pursuant to Section 1859.163.1(b) is less than the Final Charter School Apportionment request for the site acquisition cost items, the amount of funding provided at the Preliminary Charter School Apportionment shall become the full and final apportionment for the project. If the project is eligible for an additional grant for relocation expenses, DTSC fees, or hazardous waste removal pursuant to Sections 1859.74 or 1859.74.2, the Preliminary Charter School Apportionment may be increased accordingly using the funding set aside in Section 1859.163.3.
    - (E) The Board may approve any funds deposited into the Unrestricted Charter School Fund in the appropriate Charter School Facility Account pursuant to (b)(6)(A) or (B) shall be first used to fund remaining site acquisition costs on the Unfunded List pursuant to Section 1859.163.3. If no projects remain on the Unfunded List the Board shall use any funds for other Charter School facility projects.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.52 and 17078.56, Education Code.

Section 1859.167.1. Final Charter School Apportionment Conversion Site Acquisition Guidelines for Projects Apportioned on February 23, 2005.

When a Charter School submits the Form SAB 50-04 for a Final Charter School Apportionment pursuant to Section 1859.167, the Final Charter School Apportionment for site acquisition costs may not exceed the amount calculated pursuant to Section 1859.163.1(b). The Useable Acres for the project may not exceed the CDE recommended site size for the project established at the time the initial Preliminary Charter School Application was submitted to the OPSC.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.56 and 17078.58, Education Code.

#### Section 1859.168. Preliminary Charter School Apportionment Matching Share Requirement.

The Charter School will be subject to the matching share requirements in Section 1859.77.1 and Education Code Section 17078.54(d) that may be paid through lease payments authorized by the Authority in lieu of the matching share. All lease payments shall be paid to the Board to be redeposited to the Unrestricted Charter School Fund in the appropriate Charter School Facility Account. Any funds deposited in either Account shall be first used to fund remaining site acquisition costs off the Unfunded List pursuant to Section 1859.163.3. Should no projects remain on the Unfunded List the Board may use the funds for purposes of this Article.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.54 and 17078.58, Education Code.

#### Section 1859.169. Eligible Expenditures.

Expenditures made with the Final Charter School Apportionment must comply with Education Code Section 17072.35 and 17078.54(a). Expenditures for construction are eligible only if the construction contract was entered into on or after September 27, 2002.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.52, Education Code.

#### Section 1859.169.1. Charter School Project Savings

Projects funded under the CSFP do not generate savings pursuant to Section 1859.103. In addition, State funds remaining at the completion of the project may not be used to satisfy the local matching share obligation. Remaining funds must be returned to the State.

#### Section 1859.170. Additional Program Reporting Requirements.

A Charter School filing a Form SAB 50-09 on its own behalf pursuant to this Article shall comply with the reporting requirements of Sections 1859.100, 1859.101, 1859.102, and 1859.106.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.54, Education Code.

#### Section 1859.171. Use of Facility.

A Charter School that has received funding pursuant to Section 1859.164.2(b) and has not met the timelines established in Section 1859.166 or is no longer occupying the facility constructed with funds derived through a Final Charter School Apportionment, the school district where the Charter School is physically located can either:

- (a) Elect to take possession of the facility and pay the balance of the local matching share. The District may qualify for a waiver of repayment if it can meet all the following:
  - (1) Demonstrate that at the time the Form SAB 50-04 was submitted for Final Charter School Apportionment, the district would have qualified for financial hardship, pursuant to Section 1859.81; and,
  - (2) Certify to the Board that it will comply with the requirements of Education Code Section 17078.62(b)(4)(B).
- (b) If the school district chooses not to take possession of the facility, it shall dispose of the facilities in the manner applicable to the disposal of surplus school sites pursuant to Education Code Sections 17455 through 17484. The proceeds from the sale shall be used to pay off the remaining loan balance, if any.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Section 17078.62, Education Code.

## ATTACHMENT B

### Article 4. Basic Grant Request and Apportionment

#### Section 1866.4. Five Year Plan Requirements.

EC Section 17591 establishes the need of filing with the Board a five year plan for deferred maintenance needs of the district. The Form SAB 40-20 is a summary of proposed projects the district plans on completing annually over the next five fiscal years using the basic grant. The fiscal year the plan commences is determined by the fiscal year in which it was filed. New and revised plans are accepted on a continuous basis for the current fiscal year up to the last working day in June. Revisions are not accepted for prior fiscal years.

- (a) Under the following circumstances, a revised plan would need to be submitted to the OPSC:
- (1) The plan has expired.
  - (2) Work will be performed that is not listed on the plan or at a school not listed on the plan.
  - (3) If work listed on the plan was performed using an SFP modernization, CSFP Rehabilitation (as defined in SFP Regulation Section 1859.2) or Federal Renovation Program (FRP) grant, pursuant to Section 1866.13.
- (b) A district submitting a new plan or revising a plan under (a) above must be able to certify that the plans and proposals for expenditures of funds, listed on the Form SAB 40-20 submitted to the OPSC, were discussed at a public hearing at a regularly scheduled meeting with the district's governing board, pursuant to EC Section 17584.1(a).

Note: Authority cited: Section 15503, Government Code.  
Reference: Sections 17582, 17584.1, 17591, Education Code.

#### Section 1866.13. Duplication of Applications.

If the district's application for an extreme hardship grant involves proposed work also included in a SFP modernization project currently included on the SFP Modernization Unfunded List or the OPSC Modernization Workload List, the district must certify that, after reducing the work to be funded with the extreme hardship grant from the SFP modernization project, the cost estimate for the remaining work in the modernization project is at least 60 percent of the total SFP grant amount provided by the state and the district's matching share. The cost estimate may not include planning, tests, inspection or furniture or equipment. If the district cannot make this certification, the SFP modernization project must be withdrawn prior to the release of any extreme hardship grants to the district.

If the district's application for FRP grants, ~~or SFP modernization grants,~~ or CSFP Rehabilitation grants involve work currently included on the district's Form SAB 40-20, pursuant to Education Code Section 17591, the district must eliminate the projects that will be funded with the FRP grant, ~~or SFP modernization grants,~~ or CSFP Rehabilitation grants from the Form prior to the release of any FRP grants, ~~or SFP modernization grants,~~ or CSFP Rehabilitation grants to the district.

Note: Authority cited: Section 15503, Government Code.  
Reference: Sections 17582, 17587 and 17591, Education Code.

**FUND RELEASE AUTHORIZATION  
SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV 02/05 09/06)

**GENERAL INSTRUCTIONS****(Refer to Title 2, California Code of Regulations, Sections 1859.90 and 1859.91)**

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the district has completed and submitted this form to the OPSC. Design funds will automatically be released to the district within 30 days of the apportionment, with the exception of Preliminary Apportionments.

- Check the boxes in Part I if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the CDE Letter pursuant to Section 1859.149(a)(2).
- Check the boxes in Part II if the Charter School is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2.
- Check the box in Part III, for release of a separate site apportionment provided pursuant to Sections 1859.74.4, 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).
- Check the box(es) in Part IV for release of new construction, ~~or~~ modernization or rehabilitation funds and enter the appropriate dates:
  - a. Issue date of the Notice to Proceed for the construction phase of the project; and,
  - b. Signature date of the initial construction contract entered into by the district for this project.
- Check the boxes in Part V if the district is requesting a separate release of site acquisition funds as part of a new construction project.
- Check the boxes in Part VI if the district is requesting release of joint-use project funds.
- Check the appropriate box(es) in Part VII that identify the district funding sources that have or will be used for the district's share of the project.
- Check the appropriate box in Part VIII that identifies the construction delivery method that the district utilized for this project.

DRAFT

**FUND RELEASE AUTHORIZATION  
SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV 02/05/09/06)

SCHOOL DISTRICT	APPLICATION NUMBER
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

**Part I. Preliminary Apportionment—Design Only**

- ☐ The district certifies it has complied with Section 1859.149(a).
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

**Part II. Preliminary Charter School Apportionment****A. Design Only**

Pursuant to Section 1859.164.2(a), must be able to check all boxes:

- ☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- ☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.

**B. Separate Site Apportionment**

Pursuant to Section 1859.164.2(b), must be able to check all boxes:

- ☐ Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The Charter School certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the Charter School for the project
  - will be expended by the Charter School prior to the Notice of Completion for the project
- ☐ The Charter School certifies it has current financial soundness status from the California School Finance Authority.
- ☐ The Charter School certifies it has entered into a tri-party agreement pursuant to Section 1859.164.2.

**Part III. Separate Site Apportionment**

- ☐ RA on additions to existing school sites pursuant to Section 1859.74.4.

Pursuant to Sections 1859.75.1 or 1859.81.1, district must be able to check both boxes:

- ☐ Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

**Part IV. New Construction/Modernization/Charter School Rehabilitation**

District must be able to check both boxes:

- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction included in the plans applicable to the state funded project, and has issued the Notice to Proceed on \_\_\_\_\_ for that contract signed on \_\_\_\_\_.
- ☐ The Charter School certifies it has entered into a tri-party agreement pursuant to Section 1859.164.2.

The amount of State funds released for new construction shall be 100 percent of the total SFP New Construction Adjusted Grant, less any site acquisition funds previously released in Part III.

The amount of State funds released for modernization shall be 100 percent of the SFP Modernization Adjusted Grant.

**Part V. New Construction—Site Acquisition Only**

District must be able to check both boxes:

- ☐ The district certifies it has entered escrow for the site (attach copy of escrow instructions).
- ☐ The district certifies that its applicable matching share has either:
- been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

The amount of State funds released shall be equal to the additional grant provided for site acquisition.

**Part VI. Joint-Use Projects**

- ☐ The district certifies that the Joint-Use Partners' financial contribution has either:
- been received and deposited in the County School Facility Fund
  - has been received and expended by the district
  - will be received and expended by the district prior to the Notice of Completion for the project
- ☐ The district certifies it has entered into a binding contract(s) for at least 50 percent of the construction included in the plans applicable to the state funded project.

The amount of State funds released for new construction shall be 100 percent of the Joint-Use Grant.

**FUND RELEASE AUTHORIZATION  
SCHOOL FACILITY PROGRAM**

SAB 50-05 (REV 02/05 09/06)

**Part VII. Identify District and Joint-Use Partners' Funding Sources**

- ☐ Available bond funds such as general obligation, or Mello-Roos.
- ☐ Available developer fees, proceeds from the sale of surplus property, or federal grants.
- ☐ Other funds available (identify)
- ☐ Funds already expended by the district for the project.
- ☐ Funds already expended by the Joint-Use Partners for the project.
- ☐ Future revenue sources to be used for the project (identify)

**Part VIII. Identify District's Construction Delivery Method**

- ☐ Design-Bid-Build
- ☐ Design-Build
- ☐ Developer Built
- ☐ Lease Lease-Back
- ☐ Energy Performance Contract
- ☐ Other: \_\_\_\_\_

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- The site where buildings will be modernized or rehabilitated must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.1.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- If required by Labor Code Section 1771.7, if the district has or will initiated and will enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations; pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47, or 55 or 10 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

# APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV 01/05/09/06)

## GENERAL INSTRUCTIONS

This form is used to request a preliminary apportionment for the new construction or rehabilitation of charter school facilities. This form may be submitted by either a charter school directly or by a school district on behalf of a charter school, provided the school is within the geographical boundaries of the district. The apportionment will be a reservation of funds for the project to allow time to receive the necessary approvals from other State entities and shall be converted to a Final Charter School Apportionment based on Sections 1859.165 through 1859.166.1.

The charter school must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the Division of the State Architect (DSA) and the California Department of Education (CDE) for all project applications submitted to those agencies, which assist those agencies to track a particular project through out the entire state application review process. If a PTN has already been assigned to this project by prior submittal of the plans and specifications to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the Office of Public School Construction (OPSC) Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) "Project Tracking Number Generator." (Obtain from school district.)

Prior to submitting this form, the Board must determine or adjust the appropriate district's eligibility for new construction funding on the Form SAB 50-03. If the district ~~that is providing eligibility to the charter school~~ has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file this application until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03. The following documents must be submitted with this form (as appropriate):

### For new construction and rehabilitation projects,

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted by the school district).
- Verification of the charter school's notification to the school district of its intent to apply for State funding pursuant to Education Code Section 17078.53(b) for a charter applying on its own behalf.
- A narrative describing the proposed project. Include the estimated general scope of the project intended, estimated opening date of the school, the Charter School General Location, if the project will include new construction or rehabilitation of existing facilities, and if the facilities are of permanent or portable construction.

### For new construction projects,

- If the charter school is applying for a Preliminary Apportionment on its own behalf, a school board resolution certifying to the number of the district's unhoused pupils, pursuant to Section 1859.162.1(a) that the project will house, the supporting documentation used to generate this number and the school board meeting minutes that recorded the approval of the certification.
- For school districts applying on behalf of a charter school, certification, signed by the district representative, and supporting documentation that states the number of the district's unhoused pupils that will be housed in the charter school project.
- An estimated recommended site size letter from the CDE.
- An Appraisal or Preliminary Appraisal of the property, or documentation supporting the Median Cost of the property, if requesting site acquisition funds. See Section 1859.163.2(a).

- Supporting documentation for relocation expenses and Department of Toxic Substance Control (DTSC) costs, if requesting amounts other than the 215 percent standard allowance. See Section 1859.163.2(b).
- A cost estimate for site development using the historical data of School Facility Program projects within the district or adjacent school districts within the General Location, if requesting amounts other than the standard allowance of \$70,000 per acre. See Section 1859.163.1(a)(3).

For purposes of determining an amount for site acquisition pursuant to Section 1859.164.2(b), the following documents must be submitted with this form (as appropriate):

- Contingent site approval letter from the CDE.
- Preliminary appraisal of property.

### For rehabilitation projects,

- For a charter school submitting a Preliminary Apportionment for rehabilitation on its own behalf, an agreement between the school district and the charter school for use of the facilities to be rehabilitated. The agreement must have been discussed and approved at a school district board meeting.
- A drawing of the school site that identifies all classrooms and subsidiary facilities and specifies the square footage and age of each building that will be included in the project.

~~This request is~~ Requests for new construction or rehabilitation funding are available only to charter schools that have current financial soundness status from the California School Finance Authority. Charter schools may apply for a separate amount for the design and for the new construction site acquisition on the same project. Charter schools may apply for a separate amount for the design of the project by submittal of Form SAB 50-05.

For a complete list of the application submittal guidelines, consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

If the charter school or district is requesting a Preliminary Apportionment after the initial baseline eligibility was approved by the Board and the district's current California Basic Education Data System (CBEDS) enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01, based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. The district must also update its eligibility by separation of Special Day Class from regular K-12 grade level pupils by submitting a revised Form SAB 50-02 and Form SAB 50-03, if it has not already done so. A Small School District with 2,500 or less enrollment as defined in Section 1859.2 will have its eligibility adjusted as provided in Section 1859.51(j).



# APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT

## SCHOOL FACILITY PROGRAM

SAB 50-09 (REV 01/05/09/06)

### SPECIFIC INSTRUCTIONS

A preliminary application may be submitted by either a school district on behalf of a charter school or a charter school on its own behalf if the charter school has notified both the superintendent and the governing board of its intent to do sodo in writing at least 30 days prior to submission of the preliminary application. See Education Code Section 17078.53 (b)(1) and (2). The notice shall be sent by certified mail through the U.S. Postal Service and verifiable and submitted to the school district in writing in such a way that allows for verification of the received date. The notice shall also include a request for a school district certification pursuant to Section 1859.162.1(a), a request for an update in the district's enrollment pursuant to Section 1859.162.1(b) and must indicate to the school district the number of pupils the charter school intends to apply for. Please indicate method of filing by checking appropriate box. If the eligibility being requested from the school district's eligibility is filed on a HSAA basis, the proposed project shall be constructed within the boundaries of that attendance area for which the eligibility is adjusted pursuant to Section 1859.162.2.

Prior to submitting a request for a preliminary apportionment the appropriate chartering entity must have either approved a charter petition or a material revision to a charter for the school in which the application references.

#### 1. Type of Application

Check the appropriate box that indicates the type of request the charter school is applying for with this form. If the charter school is requesting a determination of eligible site acquisition costs from a Preliminary Charter School Apportionment previously approved by the Board, complete boxes 2, 3 and the site acquisition data in 54b.

#### 2. Type of Project

- Select the type of project that best represents this application request and enter the number of pupils assigned to the project for each grade group. Include pupils to be housed in an addition to an existing school or a new school project. The amount entered cannot exceed the lesser of district's available new construction baseline eligibility determined on Form SAB 50-03, as adjusted by Section 1859.51 or the limits established in Section 1859.162(c). The amount entered will be the basis for the amount of the Preliminary Charter School Apportionment provided for the project.
- Enter the name of the school district where the charter school is physically located.
- Is this request an addition to an existing site? Yes or No. If yes, enter school name:

#### 3. Number of Classrooms/Useable Acres

Enter the:

- Estimated number of classrooms in the proposed project.
- Existing Useable Acres (if addition to existing site).
- Estimated Proposed Useable Acres to be acquired for the project.

The estimated Proposed Useable Acres shall be obtained from CDE prior to application submittal.

The proposed Useable Acres requested shall not exceed the net useable acres included in an appraisal; preliminary appraisal or multiplying the pupils assigned by 0.00888 for elementary school pupils; 0.0105 for middle school pupils and 0.01236

for high school pupils. Assign Severely Disabled and Non-severely Disabled Individuals with Exceptional Needs as either elementary, middle or high school pupils based upon the type of project selected in item 1. See Section 1859.74.1:

#### 4. Additional Project Information—New Construction Only

- Enter the estimated number of pupils, by grade level, that will attend the charter school.
- Enter the number of the school district's unhoused pupils to be housed in the charter school from the school district's certification, pursuant to Section 1859.162.1(a).
- Is this request an addition to an existing site? Yes or No. If yes, enter school name.

#### 5. Increase in Preliminary Apportionment—New Construction Only

Complete the appropriate sections if the district is requesting an increase in the Preliminary Apportionment for the items listed. Refer to Sections 1859.163.1 and 1859.163.2.

- Check the box if the district request additional funding due to multilevel construction. See Section 1859.163.1(a)(2).
- Site Acquisition:
  - Enter 50 percent of the appraised value or the preliminary appraised value or the Median Cost of the property. See Section 1859.163.2(a). If the purchase price of the site is being determined using the median cost of the Charter School General Location enter the nearest street intersection to the charter school site.
  - To determine an allowance for relocation cost and DTSC cost, the charter school may request 15 percent of the property value determined above or specific or historic values of these costs. See Section 1859.163.2(b). If specific or historic values are reported, the charter school must submit appropriate documentation to support the amount reported.
  - Enter 50 percent of the amount allowable for hazardous material/waste removal and/or remediation for the site acquired. This amount may not exceed the limit set in Section 1859.163.2(d).
- To determine an allowance for site development, the charter school may request \$70,000 per proposed Usable Acres or a specific or historic value of the estimated costs. See Section 1859.163.1(a)(3). If specific or historic estimated costs are used, the district must submit appropriate cost estimate of the proposed work conforming to Section 1859.76.
- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(6).
- Check the box if this request is for a small size project. See Section 1859.163.1(a)(4).
- Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.1(a)(5).
- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(6).

#### 6. Additional Project Information—Rehabilitation Only

Enter the square footage of the non-toilet area and toilet area contained in the rehabilitation project.

# APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV 01/05/09/06)

**7. Increase in Preliminary Apportionment—Rehabilitation Only**

- Check the box if the proposed project is eligible for an increase due to geographic location. See Section 1859.163.1(a)(6).
- Check the box if this request is for a small size project. See Section 1859.163.1(a)(4).
- Check the box if the proposed project qualifies for an urban location allowance. See Section 1859.163.1(1)(5).
- Check the box if the rehabilitation project includes new two-stop elevator(s). Elevator(s) are allowed only if required by the DSA. Attach copy of the DSA letter that requires that the elevator(s) be included in the project for handicapped access compliance.
- Enter the number of additional stops on new DSA required elevator(s) beyond two.

**8. Labor Compliance Program**

Indicate whether the district is subject to a Labor Compliance Program that has been approved by the Department of Industrial Relations pursuant to Labor Code Section 1771.7 by checking the appropriate box.

**95. Priority Order**

Enter the priority order of this application in relation to other applications for Preliminary Charter School Apportionment submitted on the same date by the same applicant within the same school district.

**106. Charter School Information**

The information requested in (d) and (e) below can be obtained from the Charter School Information Listing posted on the OPSC's Web site.

- Enter the charter school enrollment currently being served by the applicant for the purpose of calculating if the charter school is small, medium, or large. See Section 1859.2.
- Indicate if the charter school operates as not for profit. If yes, must comply with the definition of Non-Profit Entity in Section 1859.2.
- Enter the locale code of the charter school as identified in the definitions for "Rural," "Suburban," or "Urban." See Section 1859.2.
- To determine if the charter school is low income, enter the percentage of pupils at the charter school identified as being eligible for participating in the Free/Reduced Lunch Program. See Section 1859.2 and 1859.164.1(a).
- If the charter school has submitted an additional application for this project under the requirements of Section 1859.162.31, enter the application number for that project.

**117. Certification**

The authorized representative for the charter school, or the school district representative on behalf of the charter school must complete this certification section.

- Part A – The authorized representative for the charter school, must complete this section if filing on its own behalf; or,
- Part B – The authorized school district representative must sign and date if filing on behalf of the charter school.

DRAFT

# APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT

## SCHOOL FACILITY PROGRAM

SAB 50-09 (REV 01/05/09/06)

The school district or charter school named below applies to the State Allocation Board via the Office of Public School Construction for a Preliminary Charter School Apportionment under the provisions of Chapter 12.5, Part 10, Division 1, Article 12, commencing with Section 17078.50, et seq, of the Education Code and the Regulations thereto.

<input type="checkbox"/> SCHOOL DISTRICT APPLYING ON BEHALF OF CHARTER SCHOOL	<input type="checkbox"/> CHARTER SCHOOL APPLYING ON ITS BEHALF	PRELIMINARY APPLICATION NUMBER
PROPOSED PROJECT NAME		PROJECT TRACKING NUMBER
COUNTY		HIGH SCHOOL ATTENDANCE AREA (IF APPLICABLE)
SCHOOL BOARD APPROVAL DATE OF CHARTER PETITION OR MATERIAL REVISION		

**1. Type of Application—Check Only One**

- ☐ New Construction Preliminary Charter School Apportionment
- ☐ Site Acquisition Costs [Section 1859.164.2(b)]
- ☐ Rehabilitation Preliminary Apportionment

**2. Type of Project**

- a. ☐ Elementary School
- ☐ Middle School
- ☐ High School

Pupils Assigned:

K-6 \_\_\_\_\_

7-8 \_\_\_\_\_

9-12 \_\_\_\_\_

Non-Severe \_\_\_\_\_

Severe \_\_\_\_\_

- b. Name of school district where the charter school project will be physically located that pupils are coming from: \_\_\_\_\_

c. Addition to existing site? ☐ Yes ☐ No

If yes, enter school name: \_\_\_\_\_

**3. Number of Classrooms/Useable Acres**

Number of Classrooms: \_\_\_\_\_

Existing Acres (Useable): \_\_\_\_\_

Proposed Acres (Useable): \_\_\_\_\_

**4. Type of Additional Project Information—New Construction Only**a. Project Capacity K-6 \_\_\_\_\_

7-8 \_\_\_\_\_

9-12 \_\_\_\_\_

Non-Severe \_\_\_\_\_

Severe \_\_\_\_\_

b. School District's Unhoused Pupils to be housed in the Charter School

K-6 \_\_\_\_\_

7-8 \_\_\_\_\_

9-12 \_\_\_\_\_

Non-Severe \_\_\_\_\_

Severe \_\_\_\_\_

c. Addition to existing site? ☐ Yes ☐ No

If yes, enter school name: \_\_\_\_\_

**5. Increase in Preliminary Apportionment—New Construction Only**

- a. ☐ Multilevel Construction
- b. Site Acquisition:
- (1) 50 percent appraised value or median cost: \$ \_\_\_\_\_

Enter the nearest street intersection to the Charter School General Location if determined by median cost: \_\_\_\_\_

**(2) Relocation/DTSC Cost:**☐ 15 percent☐ 50 percent of specific or historical cost: \$ \_\_\_\_\_**(3) Hazardous material clean-up:**☐ \$70,000 per proposed useable acre☐ 50 percent of specific or historical cost: \$ \_\_\_\_\_d. ☐ Geographic Percent Factor: \_\_\_\_\_ %e. ☐ Small Size Projectf. ☐ Urban Allowancef. ☐ Geographical Percentage Factor: \_\_\_\_\_ %**6. Additional Project Information—Rehabilitation Only**

Square Footage of Project: \_\_\_\_\_

Non-Toilets Facilities (sq. ft.): \_\_\_\_\_

Toilet Facilities (sq. ft.): \_\_\_\_\_

**7. Increase in Preliminary Apportionment—Rehabilitation Only**a. ☐ Geographic Percent Factor: \_\_\_\_\_ %b. ☐ Small Size Projectc. ☐ Urban/Security/Impacted Sited. ☐ Number of 2-Stop Elevators: \_\_\_\_\_e. ☐ Number of Additional Stops: \_\_\_\_\_**8. Labor Compliance Program**

Will you be required to initiate and enforce a Labor Compliance Program pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No

**9. Priority Order**

# \_\_\_\_\_

**10. Charter School Information**

a. Current charter school enrollment: \_\_\_\_\_

b. Is charter school not for profit? ☐ Yes ☐ No

c. Enter locale code of charter school: \_\_\_\_\_

d. Free/Reduced Lunch: \_\_\_\_\_ %

e. Additional Application Number: # \_\_\_\_\_

# APPLICATION FOR CHARTER SCHOOL PRELIMINARY APPORTIONMENT SCHOOL FACILITY PROGRAM

SAB 50-09 (REV 01/05/09/06)

## 117. Certification

I certify that the information reported on this form is true and correct and that:

- ☐ I am an authorized representative of the charter school designated by the governing board or equivalent authority of the charter school and have notified both the Superintendent and the governing board of the school district in writing, at least 30 days prior to the date of this application, of our intent to submit a preliminary application (complete Part A below); or,
  - ☐ I am an authorized school district representative submitting this application on behalf of a charter school pursuant to Education Code Section 17078.53(c)(1) (complete Part B below). If this box is checked the following certifications shall apply to the school district.
- A resolution or other appropriate documentation supporting this application under Article 12, Chapter 12.5, Part 10, Division 1, Title 2, commencing with Section 17078.50, et. seq., of the Education Code was adopted by the School District's Governing Board or the governing board or other equivalent authority of the charter school on, \_\_\_\_\_; and,
  - Prior to submitting this application the charter school and school district have considered existing facilities in accordance with Education Code Section 17078.53(e); and,
  - For a charter school applying for a rehabilitation Preliminary Apportionment on its own behalf, the charter school and school district have entered into an agreement to rehabilitate school district existing facilities and the agreement has been discussed and approved at a regularly scheduled school board meeting; and,
  - For a charter school applying for a new construction Preliminary Apportionment on its own behalf, the charter school and school district have complied with Section 1859.162.1 pertaining to the certification of the number of unhoused students the project will house; and,
  - The charter school has or will establish a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (Refer to Sections 1859.100 through 1859.102); and,
  - The charter school has or will consider the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
  - The charter school will comply with all laws pertaining to the construction of its school building; and,
  - All contracts entered for the service of any architect, structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
  - The charter school has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
  - This charter school has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
  - The charter school understands that the lack of substantial progress toward increasing the pupil capacity of its facilities within the timelines prescribed for a Preliminary Charter School Apportionment shall be cause for rescission of the Preliminary Charter School Apportionment; and,
  - The charter school acknowledges this request may be subject to the material inaccuracy penalty provisions in Section 1859.104.1; and
  - All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximum interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
  - If the Preliminary Charter School Apportionment is requested for the construction of school facilities on leased land, the charter school has or will execute a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
  - The charter school understands that when the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment, the funding available for the Final Charter School Apportionment is subject to the provisions of Section 1859.167; and,
  - The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
  - This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, then the language in the OPSC form will prevail; and,
  - The charter school has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, **if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003;** and,
  - Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair.

### Part A. Charter School Filing on its Own Behalf

NAME OF REPRESENTATIVE		TITLE
ADDRESS		
TELEPHONE	FAX NUMBER	E-MAIL
SIGNATURE OF AUTHORIZED CHARTER SCHOOL REPRESENTATIVE		DATE

### Part B. School District Filing on Behalf of Charter School

SIGNATURE OF AUTHORIZED DISTRICT REPRESENTATIVE	DATE
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